

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W.A.
DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE
STATE OF OKLAHOMA AND
OKLAHOMA SECRETARY OF THE
ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR
THE NATURAL RESOURCES FOR
THE STATE OF OKLAHOMA,

Plaintiff,

v.

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON
POULTRY, INC., TYSON CHICKEN,
INC., COBB-VANTRESS, INC., CAL-
MAINE FOODS, INC., CAL-MAINE
FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION,
LLC, GEORGE'S, INC., GEORGE'S
FARMS, INC., PETERSON FARMS,
INC., SIMMONS FOODS, INC., and
WILLOW BROOK FOODS, INC.,

Defendants.

AFFIDAVIT OF AL SAUNDERS

STATE OF OKLAHOMA)
) SS.
COUNTY OF DELAWARE)

I, Al Saunders, also known as W. A. Saunders, being first duly sworn, state and aver the following, of which I have personal knowledge:

1. I make this affidavit in support of the *Motion to Quash Subpoena* to be filed on my behalf opposing the Attorney General's demand for my testimony. Everything in this affidavit is true and correct to the best of my information and belief.

Exhibit "B"

2. I own 2 farms, both located near Colcord, Oklahoma. My cattle growing business is located on a farm that consists of approximately 543 acres.

3. My poultry growing business is located on a farm of approximately 18½ acres. We grow about 93,000 chickens per flock and typically grow out about 5½ flocks per year.

4. Subject to the laws of Oklahoma and the regulations of Oklahoma Department of Agriculture, I am solely responsible for the decisions as to how to care for the chickens in my poultry barns.

5. I have 5 poultry barns in which chickens grow from young hatchlings to 7-week old broilers.

6. Chickens will remain in the poultry barns for 49-53 days before being returned to the poultry company.

7. Each poultry barn is equipped with isolated environmental control systems and food and water delivery systems. The environmental and food systems are computer controlled.

8. Each poultry barn has an alarm system on the environmental controls that sounds if the barn's temperature gets too hot or too cold or if the environmental control system fails.

9. The temperature has gotten out of control in the past. This has happened because the computer control has failed and because the ventilation/heater has failed. It is critical that the cause of any failure is quickly determined and corrected in order to maintain a suitable environment for the chickens.

10. While the chickens are very young, they are more tolerant of temperature changes. The window to regain control of the poultry barn's environment could be as much as 2 to 3 hours at this stage.

11. Once the birds have resided in the poultry barn for 4-5 weeks, they have become larger, generate more heat, and are less tolerant of temperature variations. If the environmental control system should fail, the window to regain control of the poultry barn's environment can be as small as 15 minutes at this stage of the birds' development.

12. Once the birds reach 4 to 5 weeks of growth, I must stay within fifteen minutes of the poultry barn at all times in order to make sure that I am able to care for them and handle any problems that may arise.

13. To the best of my knowledge, the methods I employ are the only way to ensure that the chickens are properly cared for.

14. If a flock of birds is lost, this would cause a loss of 20% of my yearly income.

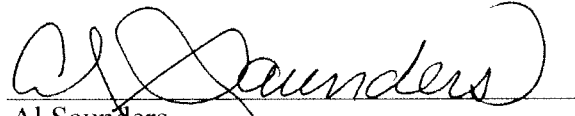
15. If I lost a flock of birds that the poultry company entrusted to me, I would likely lose my contract with the poultry company. This would lead to me losing my business and my farm.

16. In order to operate my poultry growing business profitably, I must maintain it as a one-man undertaking. I have no one else who helps me or is trained to operate and repair the equipment.

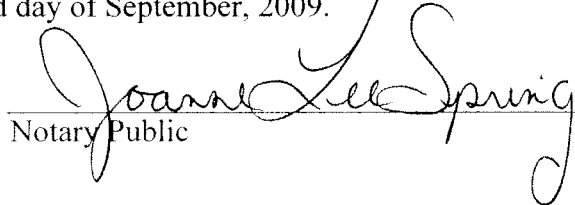
17. When I was deposed for this case on October 23 and October 27, 2006, the lawyer for the State of Oklahoma expressly agreed to accommodate my need to return to the barns if an alarm went off.

18. It takes approximately an hour and thirty minutes to drive from my poultry barns to downtown Tulsa.

Further the Affiant sayeth not.

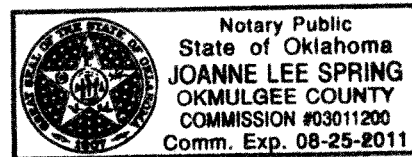

Al Saunders

Subscribed and sworn to before me this 23rd day of September, 2009.


Notary Public

My Commission Expires:

August 25, 2011
(SEAL)



My Commission No.:

03011200

1036662.1:712304:00550